

# ELLIS:LAWHORNE

John J. Pringle, Jr.  
Direct dial: 803/343-1270  
[jpringle@ellislawhorne.com](mailto:jpringle@ellislawhorne.com)

January 12, 2005

**VIA ELECTRONIC AND 1<sup>ST</sup> CLASS MAIL SERVICE**

The Honorable Charles L.A. Terreni  
Executive Director  
**Public Service Commission of South Carolina**  
101 Executive Center Drive  
Suite 100  
Columbia, South Carolina 29210

Re: Application of Xspedius Management Co. Switched Services, LLC for Waiver of  
NeuStar, Inc. Denial of NXX Code Request  
Docket No. 2004-356-C, File #586-10061

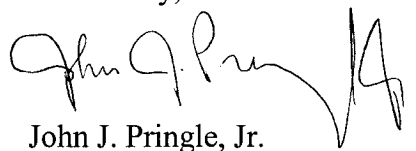
Dear Mr. Terreni:

Enclosed please find Xspedius Management Co.'s Proposed Order Granting  
Waiver Request and Authorizing Number Pooling Administrator to Release Full NXX Code for  
filing in the above-referenced docket.

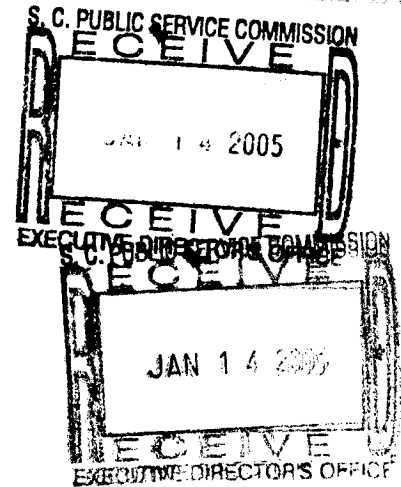
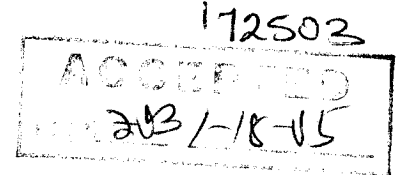
If you have any questions or need additional information, please do not hesitate to  
contact me.

With kind regards, I am

Yours truly,

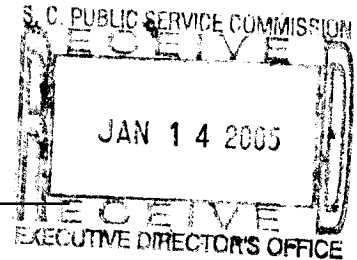
  
John J. Pringle, Jr.

JJP/cr  
Attachments



**BEFORE THE**  
**PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

**DOCKET NO. 2004-356-C – ORDER NO. 2005-**



IN RE:

Application of Xspedius Management  
Co. Switched Services, LLC for Waiver  
of Neustar, Inc. Denial of NXX Code  
Request

)  
)  
) **ORDER GRANTING WAIVER REQUEST**  
) **AND AUTHORIZING NUMBER POOLING**  
) **ADMINISTRATOR TO RELEASE FULL**  
) **NXX CODE**  
)  
)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Xspedius Management Co. Switched Services, LLC (Xspedius) for a waiver of the denial by the Pooling Administrator (PA), NeuStar, Inc. (Neustar) of Xspedius' request for assignment of numbering resources in the Greenville Rate Center.

According to Xspedius' request, on December 6, 2004, Xspedius submitted requests to NeuStar for the assignment of an NXX for a dedicated customer in the Greenville rate center, in accordance with the current assignment guidelines. NeuStar denied the request for the assignment of the additional numbers in this rate center because Xspedius did not meet the months-to-exhaust and utilization criteria established by the Federal Communications Commission ("FCC"). 47 CFR §52.15(g)(3)(iii), CFR 47 §52.15(h).

Xspedius asserts that it has requested and been denied the numbering resources required to serve a customer requiring *intermediate* numbers in this rate center. The intermediate number classification refers to a block of numbers given to another carrier or non-carrier entity for future

assignment. 47 CFR §52.15(f)(1)(v). According to Xspedius, although Xspedius requests the intermediate numbering resources and reports utilization and forecast data to the PA, subsequent allocation of the numbers is relinquished to Xspedius' customer, which then assigns these numbers to its end users. Xspedius states that its current numbering resources cannot accommodate this customer's initial growth requirements, which call for a complete NXX (comprised of ten consecutive uncontaminated thousand blocks) in this rate center to provide a new "e-fax" service to end user customers. Xspedius asserts that even though it appears to possess sufficient numbering resources in the Greenville rate center, Xspedius does not own a pristine NXX block of 10,000 consecutive numbers that it can surrender to this customer for its internal use. Thus, in order for Xspedius to serve its customer, it must have the numbering resources requested on this waiver in an expedited timeframe.

The Commission has the authority to review the PA's decisions and reverse them when appropriate. Section 52.15 of the FCC's rules provides that "[t]he state commission...may overturn the [Pooling Administrator's] decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need...." 47 CFR §52.15(g)(4). The FCC further allowed that "a carrier should be able to get additional numbering resources when there is a verifiable need due to the carrier's inability to satisfy a specific customer's request." FCC 01-362 at ¶64 (released Dec 28, 2001).

We have examined the facts of this case as stated by Xspedius, and we agree with Xspedius that it should be able to obtain a full NXX code in the Greenville rate center on an expedited basis. Xspedius has demonstrated that it has an actual need for the additional numbering resources. As set out in the affidavit of Franklin D. Lucas, Manager Switch Translations, Xspedius is unable to satisfy the documented request of a specific customer for the

numbering resources in question. We agree that the additional numbers requested are necessary so that Xspedius' can meet the service demands of its e-fax customer.

Based upon the foregoing, we hereby overturn the decision of the PA to deny Xspedius' request, and authorize the Neustar Number Pool Administration to release a full NXX code to Xspedius in the Greenville rate center on an expedited basis.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

---

Chairman

ATTEST:

---

Executive Director